

Christine Cusack

From: Robert G. Clyne [RClyne@hillrivkins.com]
Sent: Tuesday, June 07, 2005 5:03 PM
To: Whitman, M. Hamilton Jr.; Christine Cusack; Jeff Asperger
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Daile Grigaitis; James A. Saville
Subject: RE: Tate & Lyle: remaining discovery

I will get back to you as well but we need to be perfectly clear on one issue. As per our understanding with Jeff, there will be no depositions without a court order authorizing same. Therefore, please do not tell us later on that witnesses have unrefundable flights and, thus, the depositions must go forward. No court order – no depositions. Consider yourselves on notice. Thank you.

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Tele (212)669-0600
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-----Original Message-----

From: Whitman, M. Hamilton Jr. [mailto:mhwhitman@ober.com]
Sent: Tuesday, June 07, 2005 5:58 PM
To: Christine Cusack; Jeff Asperger; Robert G. Clyne
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Daile Grigaitis; James A. Saville
Subject: RE: Tate & Lyle: remaining discovery

Christine:

I will be away from the office the remainder of this week but will get back to you.

Tony Whitman

M. Hamilton Whitman, Jr.
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From: Christine Cusack [mailto:ccusack@asplaw.net]
Sent: Friday, June 03, 2005 10:26 AM
To: Whitman, M. Hamilton Jr.; Jeff Asperger; Robert G. Clyne



Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com;

Christine Cusack; Daile Grigaitis; James A. Saville

Subject: RE: Tate & Lyle: remaining discovery

All,

Mike Parnell does not have any available dates in July for his deposition as he is already committed to work on 4 different projects during the month. He has availability as follows:

August 1 - 5

August 8 - 12

August 15 - 19

August 29 - September 2

Please let me know your availability on these dates. Please also advise if you still wish to produce Captain Popp for deposition in July or if you would prefer to schedule him during August when Mike Parnell is scheduled.

Thank you,

Christine Cusack

Christine M. Cusack, Paralegal

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-----Original Message-----

From: Whitman, M. Hamilton Jr. [mailto:mhwhitman@ober.com]

Sent: Tuesday, May 03, 2005 3:11 PM

To: Jeff Asperger; Robert G. Clyne

Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville

Subject: RE: Tate & Lyle: remaining discovery

Jeff, Bob and all:

I would be happy to block dates in July, on the express understanding that we are not agreeing to discovery absent direction from the court. I have a three week arbitration beginning June 6, with depositions out of town and out of the country still to accomplish, along with all other hearing preparations, in the weeks between now and the hearing. I will also need to provide lead time to Heiner Popp, as he is retired and living in Colorado. Can we all hold July 5, 6 & 7 or July 13, 14 & 15?

Jeff, we need to have a report from Mr. Parnell.

I suggest a conference call Monday or Tuesday of next week.

Tony

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From: Jeff Asperger [mailto:jasperger@asplaw.net]
Sent: Tuesday, May 03, 2005 3:01 PM
To: 'Robert G. Clyne'; Jeff Asperger; Whitman, M. Hamilton Jr.
Cc: wcbaily@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville
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So what. If the court grants any extension, which it has indicated it intends to do, we will not have to scramble to complete the depos if we have dates set aside. If no extension is given, we simply do not proceed with the depos. There are lots of schedules to coordinate with summer vacations and such. Has this come to the point where we cannot agree to cooperate to get discovery done? Your choice.

-----Original Message-----

From: Robert G. Clyne [mailto:RClyne@hillrivkins.com]
Sent: Tuesday, May 03, 2005 12:51 PM
To: Jeff Asperger; Whitman, M. Hamilton Jr.
Cc: wcbaily@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville
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There was no agreed order.

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-----Original Message-----

From: Jeff Asperger [mailto:jasperger@asplaw.net]
Sent: Tuesday, May 03, 2005 1:50 PM
To: 'Whitman, M. Hamilton Jr.'; Robert G. Clyne; Jeff Asperger
Cc: wcbaily@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville
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I am presuming that the court will enter the agreed order as requested, and I don't believe we should wait to schedule this discovery given how busy we all are. Tony, you indicated you have a difficult schedule. So do I. Is there a problem with talking about dates now? Thanks.

Jeff

-----Original Message-----

From: Whitman, M. Hamilton Jr. [mailto:mhwhitman@ober.com]
Sent: Tuesday, May 03, 2005 10:59 AM
To: Robert G. Clyne; Jeff Asperger
Cc: wcbaily@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com;

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Grigaitis; James A. Saville

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Nor have I.

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From: Robert G. Clyne [mailto:RClyne@hillrivkins.com]

Sent: Tuesday, May 03, 2005 11:51 AM

To: Jeff Asperger; Whitman, M. Hamilton Jr.

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berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile

Grigaitis; James A. Saville

Subject: RE: Tate & Lyle: remaining discovery

What time limits are we talking about that have been set by the court? I have not seen an order.

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-----Original Message-----

From: Jeff Asperger [mailto:jasperger@asplaw.net]

Sent: Monday, May 02, 2005 8:47 PM

To: 'Whitman, M. Hamilton Jr.'

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'jbartlett@semmes.com'; 'bcole@semmes.com'; 'agiles@semmes.com';

'FJGorman@GandWlaw.com'; 'berniesevel@aol.com'; 'jskeen@skaufflaw.com';

'clyon@semmes.com'; Christine Cusack; Daile Grigaitis; James A. Saville

Subject: Tate & Lyle: remaining discovery

Tony and folks,

I propose the week of June 13 for the depo of Heiner Popp and our wire rope expert, Mike Parnell. The latter part of the week would work best. Please advise so that we can complete this discovery within the time limits set by the court. I will check dates with Mr. Parnell and follow up if you would advise of the availability of Capt. Popp.

Thanks.

Jeff

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